



c/o Manistee County Controller/Administrator's Office  
415 Third Street • Manistee, MI 49660  
Telephone: (231) 398-3500 • Fax: (231) 723-1795

**MEMBERS:**

Dennis Bjorkquist, Chairperson  
B. Allan O'Shea, Vice-Chairperson  
Colleen Kenny, Secretary

## **"DRAFT" SPECIAL MEETING MINUTES**

Monday, February 23, 2009  
5:00 P.M.

Manistee County Courthouse  
Board of Commissioners' Meeting Room

Members Present: Dennis Bjorkquist, Chairperson; Allan O'Shea, Vice-Chairperson; and Colleen Kenny, Secretary

Others Present: Thomas Kaminski, Administrative Support; R. Lance Boldrey and Shaun Johnson of Dykema Gossett, PLLC; and Jeri Lyn Prielipp, Recording Secretary;

The meeting was called to order at 5:00 P.M. Roll call was taken. The Pledge of Allegiance was recited.

The Chairman requested approval of the meeting Agenda.

**There was a motion by Ms. Kenny, supported by Mr. O'Shea to approve the Monday, February 23, 2009 Meeting Agenda, as presented. Motion carried.**

The Chairman then requested approval of the minutes from the Organizational Meeting of the Manistee Local Revenue Sharing Board that was held on Monday, February 9, 2009.

**There was a motion by Ms. Kenny, supported by Mr. O'Shea to approve the Minutes, as presented, from the Organizational Meeting of the Manistee Local Revenue Sharing Board held on Monday, February 9, 2009. Motion carried.**

There was no public comment.

Chairman Bjorkquist opened discussions between the Board members and Mr. Boldrey and Mr. Johnson, whose firm was recently selected to serve as the Board's legal counsel. Throughout these discussions, Legal Counsel was provided with the history of the operations and past practices of the Board since its inception.

Mr. Boldrey requested at the outset that the Board address all their issues with him so that he can come back with a written opinion.

Prior to this meeting, Mr. Kaminski provided Mr. Boldrey with an overview of the Manistee Local Revenue Sharing Board which included: The Compact between the Little River Band of Ottawa Indians and the State of Michigan; Bylaws; Annual Report to the State of Michigan Department of Treasury; sample copies of the Grant Application form, Financial Report and Synopsis, Grant Award Expense Report, Grant Award Recap, Agendas, Minutes, etc..

Mr. Boldrey also requested that he be provided with the following: Assessment documents/copy of the actual Appraisal; a depiction of what property is in trust (such as maps showing what property is and what property is not held in trust); Minutes of all meetings since the inception of the Local Revenue Sharing Board; and contact information for the Manistee County Equalization Department.

The issues for which the Board is seeking direction of Legal Counsel are:

- The definition of a gaming facility.
- The definition of a local unit of government.
- The appraisal of the casino and depreciation in values.
- Whether or not the Board is appropriately disbursing the P.I.L.T.
- Whether or not to amend the Bylaws to provide a better interpretation of what is considered contiguous or non-contiguous.

Mr. Boldrey indicated that once his staff has had an opportunity to go through all the documentation, he will provide the Board with a draft written opinion outlining PILT/the definition of a gaming facility, the proper approach in appraising that property, how the Board should appropriately disburse PILT when there is a shortfall, the definition of local unit of government, and some other basic issues they may spot within the Bylaws. Said written opinion is a privileged document under the Freedom of Information Act and therefore the Board could go into closed session to discuss the contents of the opinion. Following these discussions, Mr. Boldrey will provide the Board with a final work product.

Mr. Boldrey then presented the Board with a letter of engagement for legal services and requested a \$500 retainer fee. It was explained that all communications between Dykema Gossett, PLLC and the Local Revenue Sharing Board is to be filtered through the County Controller/Administrator's Office.

**There was a motion by Ms. Kenny, supported by Mr. O'Shea authorizing the Chairman to sign the Letter of Engagement of Dykema for Legal Services on Behalf of the Manistee Local Revenue Sharing Board, and authorize payment of the initial \$500 retainer fee.**

**A roll call vote was taken:**

**Yeas: 3 (Bjorkquist; O'Shea; Kenny)**

**Nays: 0**

**Absent: 0**

**Motion carried.**

There being no further comment from members of the Board, the meeting was adjourned at 6:15 P.M.

Respectfully submitted,

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Colleen Kenny, Secretary